



Crl.O.P.No.5062 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5062 of 2023

Ammu @ Uma Mageshwari

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-7, I.C.F. Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.210 of 2016, pending trial
on the file of the XVIII Additional Sessions Judge, Chennai.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.5062 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.01.2023, pursuant to the non-bailable warrant of arrest issued against him on 05.01.2023, in S.C.No.210 of 2016, pending on the file of the learned XVIII Additional Sessions Judge, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A9) facing trial in S.C.No.210 of 2016, for the alleged offence under Sections 147, 148, 341 & 302 of IPC r/w 149 of IPC, pending on the file of the learned XVIII Additional Sessions Judge, Chennai. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, due to her illness, she was unable to appear before the trial Court on 05.01.2023, thereby, the trial Court has issued a Non Bailable Warrant of arrest against her and pursuant to which, she was arrested from her residence on 31.01.2023.

3. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions that may be imposed by this Court and she is also ready to file an Affidavit of



Crl.O.P.No.5062 of 2023

Undertaking stating that she will co-operate for speedy disposal of the trial and also submitted that the petitioner would ensure that she will appear before the trial Court on all hearing dates without fail. He further submitted the co-accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.3349 of 2023 vide order dated 15.02.2023. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused (A9) facing trial in S.C.No.210 of 2016, pending on the file of the learned XVIII Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 05.01.2023, a Non-Bailable Warrant was issued against him and pursuant to the same, she was arrested on 31.01.2023. He further submitted that there are 16 witnesses in this cases and all the witnesses were examined and also submitted that one previous case is pending against the petitioner and also stated that the petitioner has a permanent address, however, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



Crl.O.P.No.5062 of 2023

Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen thousand only)** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned XVIII Additional Sessions Judge, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the



Crl.O.P.No.5062 of 2023

learned XVIII Additional Sessions Judge, Chennai, on all working days, at 10.30 a.m., until further orders;

[c] the petitioner, after coming out on bail, shall file an Affidavit of Undertaking to the effect that she will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

27.03.2023

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CrI.O.P.No.5062 of 2023

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To

1. The XVIII Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
K-7, I.C.F. Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.5062 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.5062 of 2023

27.03.2023